IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Bail Appl..No. 4284 of 2007()

(CRIME NO.140/2007 OF POOJAPPURA POLICE STATION)

: PETITIONERS/ACCUSED

1. JYOTHIS KUMAR,
"SARAS", TC 18/1809/1, PLAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

2. VENUGOPALA DAS,
"SARAS", TC 18/1809/1, PLAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

3. SARASWATHY,
"SARAS", TC 18/1809/1, PLAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.M.PREM

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4284 of 2007

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Dated this the 16th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband and parents-in- law of the defacto complainant. The marriage took place on 12.9.05. The defacto complainant is now pregnant, it is submitted. The petitioners face allegations, inter alia, under Section 498A read with 34 IPC. Crime has been registered on the basis of a private complaint filed by the defacto complainant and referred to the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest..

2. The learned counsel for the petitioners submits that the allegations are totally false. There is strain in the matrimonial relationship. Totally false, vexatious and exaggerated allegations are raised against the petitioners on account of such strain in the matrimonial relationship. Arrest and detention of the petitioners is likely to mar the matrimonial tie beyond repair. In these circumstances, directions under Section 438 Cr.P.C. may be issued in favour of the petitioners, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application and I am satisfied, in the facts and circumstances of the case which I have already referred, that the petitioners can be granted anticipatory bail subject of course to appropriate conditions.

4. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall appear before the Learned Magistrate having jurisdiction at 11 a.m on 23.07.2007. They shall be enlarged on regular bail on their executing bonds for Rs.25,000/-(Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 3 p.m on 27.07.2007 and 28.07.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months, subsequently, as and when directed by the Investigating Officer in writing to do so.

iii) If the petitioners do not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law.

iv) if the petitioners were arrested prior to their surrender on 23.07.07 to the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate on 23.07.07 as directed in clause(i) above.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE